

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

REVEREND BRIAN THOMAS	:	No. 04cv1137
Plaintiff,	:	
	:	Judge Jones
v.	:	
	:	
JUDGE ROBERT CONWAY,	:	
in his official and individual capacities.	:	
Defendant.	:	

MEMORANDUM AND ORDER

August 23, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is an Affidavit in Support of Petition for Leave to Proceed In Forma Pauperis (See Rec. Doc. 2) (the “Petition”) filed by Plaintiff Reverend Brian Thomas (“Plaintiff” or “Thomas”) on August 11, 2005.

For the reasons that follow, we will grant the Motion.

DISCUSSION:

28 U.S.C. § 1915(a)(1) states, in pertinent part, that:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such [person] prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and

affiant's belief that the person is entitled to redress.

As required under 28 U.S.C. § 1915(a)(1), Plaintiff's sworn Affidavit to includes a statement of his general financial position, including assets, income, and expenses. In the affidavit, Plaintiff swore the following: that he "is unable to obtain funds from anyone, including My [sic] family and associates, to pay the costs of litigation and to do so would cause undue burden and further economic hardship on Myself [sic] and them, as well – I don't own any constitutional money;" that a "plea of poverty [was] taken;" that he has no money in any accounts, that he has no income; and that his monthly expenses include \$400 in rent, \$20-40 in electricity, \$10-20 in water, \$20-30 in oil, \$20-40 in gas, and \$20 in sewer fees.

The Court finds that since the Affidavit to Proceed IFP satisfies the requirements of 28 U.S.C. § 1915(a)(1), leave to proceed in forma pauperis is granted.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Plaintiff's Affidavit in Support of Petition for Leave to Proceed In Forma Pauperis (See Rec. Doc. 2) is GRANTED.

s/ John E. Jones III
John E. Jones III
United States District Judge